

House Bill 2940

Sponsored by Representatives SCHAUFLER, KRIEGER (at the request of Oregon Anglers)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Subjects instrumentalities of violations of wildlife laws to forfeiture.

A BILL FOR AN ACT

Relating to penalties for violation of wildlife laws; amending ORS 131.602 and 496.992.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 131.602 is amended to read:

131.602. The crimes to which ORS 131.550 (11)(b) applies are:

- (1) Bribe giving, as defined in ORS 162.015.
- (2) Bribe receiving, as defined in ORS 162.025.
- (3) Public investment fraud, as defined in ORS 162.117.
- (4) Bribing a witness, as defined in ORS 162.265.
- (5) Bribe receiving by a witness, as defined in ORS 162.275.
- (6) Simulating legal process, as defined in ORS 162.355.
- (7) Official misconduct in the first degree, as defined in ORS 162.415.
- (8) Custodial interference in the second degree, as defined in ORS 163.245.
- (9) Custodial interference in the first degree, as defined in ORS 163.257.
- (10) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
- (11) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
- (12) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
- (13) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
- (14) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.
- (15) Possession of materials depicting sexually explicit conduct of a child in the first degree, as defined in ORS 163.688.
- (16) Possession of materials depicting sexually explicit conduct of a child in the second degree, as defined in ORS 163.689.
- (17) Theft in the second degree, as defined in ORS 164.045.
- (18) Theft in the first degree, as defined in ORS 164.055.
- (19) Aggravated theft in the first degree, as defined in ORS 164.057.
- (20) Theft by extortion, as defined in ORS 164.075.
- (21) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- (22) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- (23) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- (24) Unauthorized use of a vehicle, as defined in ORS 164.135.
- (25) Mail theft or receipt of stolen mail, as defined in ORS 164.162.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (26) Laundering a monetary instrument, as defined in ORS 164.170.
- 2 (27) Engaging in a financial transaction in property derived from unlawful activity, as defined
- 3 in ORS 164.172.
- 4 (28) Burglary in the second degree, as defined in ORS 164.215.
- 5 (29) Burglary in the first degree, as defined in ORS 164.225.
- 6 (30) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- 7 (31) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 8 (32) Arson in the second degree, as defined in ORS 164.315.
- 9 (33) Arson in the first degree, as defined in ORS 164.325.
- 10 (34) Computer crime, as defined in ORS 164.377.
- 11 (35) Robbery in the third degree, as defined in ORS 164.395.
- 12 (36) Robbery in the second degree, as defined in ORS 164.405.
- 13 (37) Robbery in the first degree, as defined in ORS 164.415.
- 14 (38) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 15 (39) Unlawful recording of a live performance, as defined in ORS 164.869.
- 16 (40) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- 17 (41) A violation of ORS 164.877.
- 18 (42) Endangering aircraft, as defined in ORS 164.885.
- 19 (43) Interference with agricultural operations, as defined in ORS 164.887.
- 20 (44) Forgery in the second degree, as defined in ORS 165.007.
- 21 (45) Forgery in the first degree, as defined in ORS 165.013.
- 22 (46) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- 23 (47) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- 24 (48) Criminal possession of a forgery device, as defined in ORS 165.032.
- 25 (49) Criminal simulation, as defined in ORS 165.037.
- 26 (50) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 27 (51) Fraudulent use of a credit card, as defined in ORS 165.055.
- 28 (52) Negotiating a bad check, as defined in ORS 165.065.
- 29 (53) Possessing a fraudulent communications device, as defined in ORS 165.070.
- 30 (54) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- 31 (55) Falsifying business records, as defined in ORS 165.080.
- 32 (56) Sports bribery, as defined in ORS 165.085.
- 33 (57) Sports bribe receiving, as defined in ORS 165.090.
- 34 (58) Misapplication of entrusted property, as defined in ORS 165.095.
- 35 (59) Issuing a false financial statement, as defined in ORS 165.100.
- 36 (60) Obtaining execution of documents by deception, as defined in ORS 165.102.
- 37 (61) A violation of ORS 165.543.
- 38 (62) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- 39 (63) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- 40 (64) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- 41 (65) Identity theft, as defined in ORS 165.800.
- 42 (66) A violation of ORS 166.190.
- 43 (67) Unlawful use of a weapon, as defined in ORS 166.220.
- 44 (68) A violation of ORS 166.240.
- 45 (69) Unlawful possession of a firearm, as defined in ORS 166.250.

- 1 (70) A violation of ORS 166.270.
- 2 (71) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or
- 3 firearms silencer, as defined in ORS 166.272.
- 4 (72) A violation of ORS 166.275.
- 5 (73) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- 6 (74) A violation of ORS 166.370.
- 7 (75) Unlawful possession of a destructive device, as defined in ORS 166.382.
- 8 (76) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- 9 (77) Possession of a hoax destructive device, as defined in ORS 166.385.
- 10 (78) A violation of ORS 166.410.
- 11 (79) Providing false information in connection with a transfer of a firearm, as defined in ORS
- 12 166.416.
- 13 (80) Improperly transferring a firearm, as defined in ORS 166.418.
- 14 (81) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 15 (82) A violation of ORS 166.429.
- 16 (83) A violation of ORS 166.470.
- 17 (84) A violation of ORS 166.480.
- 18 (85) A violation of ORS 166.635.
- 19 (86) A violation of ORS 166.638.
- 20 (87) Unlawful paramilitary activity, as defined in ORS 166.660.
- 21 (88) A violation of ORS 166.720.
- 22 (89) Prostitution, as defined in ORS 167.007.
- 23 (90) Promoting prostitution, as defined in ORS 167.012.
- 24 (91) Compelling prostitution, as defined in ORS 167.017.
- 25 (92) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- 26 (93) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 27 (94) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 28 (95) Possession of gambling records in the second degree, as defined in ORS 167.132.
- 29 (96) Possession of gambling records in the first degree, as defined in ORS 167.137.
- 30 (97) Possession of a gambling device, as defined in ORS 167.147.
- 31 (98) Possession of a gray machine, as defined in ORS 167.164.
- 32 (99) Cheating, as defined in ORS 167.167.
- 33 (100) Tampering with drug records, as defined in ORS 167.212.
- 34 (101) A violation of ORS 167.262.
- 35 (102) Research and animal interference, as defined in ORS 167.312.
- 36 (103) Animal abuse in the first degree, as defined in ORS 167.320.
- 37 (104) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- 38 (105) Animal neglect in the first degree, as defined in ORS 167.330.
- 39 (106) Interfering with an assistance, a search and rescue or a therapy animal, as defined in ORS
- 40 167.352.
- 41 (107) Involvement in animal fighting, as defined in ORS 167.355.
- 42 (108) Dogfighting, as defined in ORS 167.365.
- 43 (109) Participation in dogfighting, as defined in ORS 167.370.
- 44 (110) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- 45 (111) Interference with livestock production, as defined in ORS 167.388.

- 1 (112) A violation of ORS 167.390.
- 2 (113) A violation of ORS 471.410.
- 3 (114) Failure to report missing precursor substances, as defined in ORS 475.955.
- 4 (115) Illegally selling drug equipment, as defined in ORS 475.960.
- 5 (116) Providing false information on a precursor substances report, as defined in ORS 475.965.
- 6 (117) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
- 7 (118) A violation of ORS 475.840, if it is a felony or a Class A misdemeanor.
- 8 (119) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
- 9 (120) A violation of ORS 475.916.
- 10 (121) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
- 11 (122) A violation of ORS 475.904 (2).
- 12 **(123) A violation of the wildlife laws, if it is a Class A misdemeanor under ORS 496.992.**
- 13 [(123)] (124) Misuse of an identification card, as defined in ORS 807.430.
- 14 [(124)] (125) Unlawful production of identification cards, licenses, permits, forms or camera
- 15 cards, as defined in ORS 807.500.
- 16 [(125)] (126) Transfer of documents for the purposes of misrepresentation, as defined in ORS
- 17 807.510.
- 18 [(126)] (127) Using an invalid license, as defined in ORS 807.580.
- 19 [(127)] (128) Permitting misuse of a license, as defined in ORS 807.590.
- 20 [(128)] (129) Using another's license, as defined in ORS 807.600.
- 21 [(129)] (130) Criminal driving while suspended or revoked, as defined in ORS 811.182, when it is
- 22 a felony.
- 23 [(130)] (131) Driving while under the influence of intoxicants, as defined in ORS 813.010, when
- 24 it is a felony.
- 25 [(131)] (132) Unlawful distribution of cigarettes, as defined in ORS 323.482.
- 26 [(132)] (133) A violation of ORS 180.440 (2).
- 27 [(133)] (134) A violation described in ORS 475.846 to 475.894, if it is a felony.
- 28 [(134)] (135) An attempt, conspiracy or solicitation to commit a crime in subsections (1) to
- 29 [(133)] (134) of this section if the attempt, conspiracy or solicitation is a felony or a Class A
- 30 misdemeanor.
- 31 **SECTION 2.** ORS 496.992 is amended to read:
- 32 496.992. (1) Except as otherwise provided by ORS 153.022 and other law, violation of any pro-
- 33 vision of the wildlife laws, or any rule promulgated pursuant thereto, is a Class A misdemeanor
- 34 when the offense is committed with a culpable mental state as defined in ORS 161.085. If the de-
- 35 fendant is sentenced to pay a fine, failure to pay the fine, or any portion thereof, shall be treated
- 36 as provided in ORS 161.685.
- 37 (2) Except as otherwise provided by ORS 153.022 and other law, violation of any provision of the
- 38 wildlife laws or any rule promulgated pursuant thereto is punishable as a Class A violation in the
- 39 manner prescribed in ORS chapter 153 when the offense is committed with no culpable mental state
- 40 as defined in ORS 161.085.
- 41 (3) The second and each subsequent conviction within a 10-year period for the taking of game
- 42 fish with a total value of \$200 or more or the taking of antelope, black bear, cougar, deer, elk,
- 43 moose, mountain goat or mountain sheep in violation of the wildlife laws or any rule promulgated
- 44 pursuant thereto which occurs more than one hour prior to or more than one hour subsequent to
- 45 a season established for the lawful taking of such game mammals or game fish is a Class C felony

1 when the offense is committed with a culpable mental state as defined in ORS 161.085.

2 **(4) Property used in a violation of the wildlife laws, for which the defendant is charged**
3 **with a Class A misdemeanor under this section, is subject to forfeiture as provided in ORS**
4 **131.550 to 131.600.**

5
